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FILED

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CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA
12 Plaintiff.
13 v.
14 BRIAN ROQUE.
15 Defendant.

Case No. 1:22-mj-00025-BAM

**STIPULATION TO MODIFY
CONDITIONS OF PRETRIAL RELEASE;
ORDER**

17 IT IS HEREBY STIPULATED by and between the United States of America and
18 Defendant Brian Roque, by and through their respective counsel of record, that Condition 7(q) of
19 Mr. Roque's pretrial release be modified as set forth below. Pretrial Services Officer, Frank
20 Guerrero, does not oppose the modification.

21 On February 10, 2022, Mr. Roque appeared pursuant Federal Rule of Criminal Procedure
22 5 on an out of district indictment/warrant before the Honorable Barbara A. McAuliffe for an
23 initial appearance. ECF No. 3. A detention hearing was set for February 14, 2022. *See id.* On
24 February 14, 2022, Mr. Roque was ordered released subject to certain conditions including
25 Condition 7(q) that he remain on home incarceration. *See* ECF No. 8 at 2. During the detention
26 hearing, the parties and the Court discussed the possibility that Mr. Roque could be on less
27 restrictive conditions if he were able to secure employment.

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Following his release, Mr. Roque was able to secure employment, and provided proof of two offers of employment to Officer Guerrero. Accordingly, the parties, with the support of Pretrial Services, stipulate to modify Condition 7(q) from home incarceration to curfew. The relevant portion of Condition 7(q) currently provides:

Home Incarceration: You must remain inside your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the Pretrial Services Officer.

The parties stipulate that Condition 7(q) be modified to provide:

Curfew: You must remain inside your residence every day from 9:00 p.m. to 6:00 a.m., or as adjusted by the pretrial services officer for medical, religious services, employment, or court-ordered obligations.

All other previously ordered conditions of release not in conflict shall remain in full force and effect.

The parties agree that the proposed modification is appropriate given the foregoing. A hearing is not requested or needed given the parties' stipulation.

IT IS SO STIPULATED.

Dated: February 22, 2022

/s/ Java Gupta
JAYA C. GUPTA
Assistant Federal Defender
Counsel for Defendant Brian Roque

Dated: February 22, 2022

/s/ Mark J. McKeon
MARK J. McKEON
Assistant United States Attorney
Counsel for Plaintiff
United States of America

ORDER

UPON THE PARTIES' STIPULATION AND FOR GOOD CAUSE SHOWN, IT IS
HEREBY ORDERED THAT Condition 7(q) of Defendant Brian Roque's Conditions of Release
is modified as follows:

Curfew: You must remain inside your residence every day from 9:00 p.m. to 6:00 a.m., or as adjusted by the pretrial services officer for medical, religious services, employment, or court-ordered obligations.

All other previously ordered conditions of release not in conflict shall remain in full force and effect.

IT IS SO ORDERED.

DATED: 2/22/22


HONORABLE ERICA P. GROSJEAN
UNITED STATES MAGISTRATE JUDGE